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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,554	01/05/2004	Houman Pournassch	224016	2395
38887 7590 05/05/2009 LEYDIG, VOIT & MAYER, LTD. TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON CHICAGO, IL 60601-6731				
			EXAMINER	
			LEBASSI, AMANUEL	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			05/05/2009 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/751,554

Applicant(s)

POURNASSEH ET AL.

Examiner

AMANUEL LEBASSI

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 13 - 21 rejected under 35 U.S.C. 102(b) as being unpatentable by Metso et al. US 5920826.

Regarding claim 13, Metso discloses a graphical user interface (**col. 2, lines 1-9 with mobile station display**) for sending at least one message to a recipient using a cell phone and a keyboard of a computing device (**abstract; where local mobile terminal is coupled to an external computer and is used to generate, manipulate and optionally store text messages which can be transmitted or received over the radio telephone network via the local mobile terminal**). Metso discloses a window and a menu field having a list of available ports for transmission of the at least one message to the cell phone located within the window (**col. 8, lines 31-35 -main windows menu**). Metso discloses a destination number field located within the window (**Fig. 5 and Fig. 7 where the computer has ports and where the user interface has destination number field, a message field, a send button, and a phone book button**). Metso discloses a message field located within the window (Fig. 6, unit 613).

and a send button located within the window (**Fig. 7, send/messages icon**) and a phone book button located within the window (**Fig. 6, unit 612**).

Regarding claim 14, Metso discloses a maximum number indication field located within the window (**col. 11, lines 13-21**)

Regarding claim 15, Metso discloses an options button located within the window (**col. 11, lines 37-41**).

Regarding claim 16, Metso discloses the menu field comprises a pull-down menu field (**Fig. 9, unit 904**).

Regarding claim 17, Metso discloses the message field has a size that is limited to 160 characters (**col. 11, lines 13-14**).

Regarding claim 18, Metso discloses the message field has a size that is limited to 70 characters (**col. 11, lines 13-14**).

Regarding claim 19, Metso discloses an image area within the **window (see above)**.

Regarding claim 20, Metso discloses the list of available ports includes one of an infrared port and a Blue tooth port (**col. 6, line 62- col. 7, line 4 - Infra Red (IR) link 516**).

Regarding claim 21, Metso discloses the one of an infrared port and a Blue tooth port comprises one of the infrared port, the Blue tooth port, and a serial port (**col. 6, line 62- col. 7, line 4 - Infra Red (IR) link 516 and serial port 518**)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1- 12, 22 -33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metso et al. US 5920826 in view of Heatley US 20030050096.

Regarding claim 1 and 22, Metso discloses a method to send at least one message to a recipient using a cell phone and a keyboard of a computing device (**abstract; where local mobile terminal is coupled to an external computer**

and is used to generate, manipulate and optionally store text messages which can be transmitted or received over the radio telephone network via the local mobile terminal). Metso discloses displaying a user interface having a list of available ports, a destination number field, a message field, a send button, and a phone book button (**Fig. 5 and Fig. 7 where the computer has ports and where the user interface has destination number field, a message field, a send button, and a phone book button**) . Metso discloses providing an indication of one port of the list of available ports that is to be used to communicate with the cell phone (**abstract; where local mobile terminal is coupled to an external computer and is used to generate, manipulate and optionally store text messages which can be transmitted or received over the radio telephone network via the local mobile terminal**). Metso discloses providing a maximum number indication of a maximum number of characters that can be used in each of the at least one message (**col. 11, lines 10-14 where actual message of up to 160 characters is added**). Metso discloses displaying a body of the at least one message in response to a user typing the at least one message with the keyboard (**col. 9, lines 62-65 and Fig. 7, unit 720 where cursor may be used to type in personal information relating to a particular selected phone number**). Metso discloses displaying a destination number of the recipient and selecting the destination number from a phone book (**col. 8, lines 64- col. 9, line 3 where destination number of the recipient is displayed**) and sending the at least one message to the cell phone via the one

port (col. 2, lines 50-64 where text message data generated at the computer apparatus is transmitted to remote mobile terminal via the local mobile terminal).

However, Metso is silent on displaying a destination number of the recipient in response to one of the user typing the destination number with the keyboard. Heatley teaches displaying a destination number of the recipient in response to one of the user typing the destination number with the keyboard (paragraph [0025] where the telephone associated with the calling user to enter a telephone).

At the time of invention, it would have been obvious to a person of ordinary skill to modify the invention of Metso and add displaying a destination number of the recipient in response to one of the user typing the destination number with the keyboard. The motivation would be to retrieve a dialed destination number from signaling data of a call from a calling user to a called user (paragraph [0003]).

Regarding claim 2 and 23, Metso discloses displaying a phone book interface in response to the user selecting the phone book button, the phone book interface comprising a header row having a name header and a phone number header, at least one name row below the header row having a name field for displaying a name provided by the user and a phone number field for

displaying a phone number provided by the user, an add contact button, and an ok button (**col. 8, lines 44-53** and **Fig. 6, unit 612**).

Regarding claim 3 and 24, Metso discloses in response to a user pressing the ok button if one of the at least one name row has been selected, populating the destination number field with the phone number in the phone number field in the one of the at least one name row (**col. 9, lines 21-25**).

Regarding claim 4 and 25, Metso discloses the phone book interface further comprises an import button, the method further comprising the step of importing contacts information into the at least one name row from the cell phone in response to the import button being pressed (**col. 12, lines 45-48**).

Regarding claim 5 and 26, Metso discloses the phone book interface further comprises a delete button, the method further comprising the step of: in response to a user pressing the delete button if one of the at least one name row has been selected, deleting the name in the name field of the one of the at least one name row that has been selected and deleting the phone number in the phone number field of the one of the at least one name row that has been selected (**col. 9, lines 46-47**).

Regarding claim 6 and 27, Metso discloses the step of displaying the interface includes the step of displaying an options button (**col. 11, lines 37-41**).

Regarding claim 7 and 28, Metso discloses the step of displaying an options interface in response to the user selecting the options button, the options interface comprising a character encoding selection area and a message logging selection area, the character encoding selection area having a list of character encodings for the at least one message and a selection box for allowing the user to select auto detection of the best encoding for the at least one message, the message logging selection area having a selection box to enable logging, a view log button to view a message log and a clear log button to clear the message log (**Fig. 9, units 907, 908 and 909**).

Regarding claim 8 and 29, Metso discloses the step of updating the maximum number indication in response to one of the character encodings in the list of character encodings being selected (**col. 11, lines 10-16**).

Regarding claim 9 and 30, Metso discloses the step of displaying the message log in response to the view log button being pressed (**Fig. 9, units 907**).

Regarding claim 10 and 31, Metso discloses the step of deleting the message log in response to the clear log button being pressed (**col. 8, lines 36-40 - clear unit 608**).

Regarding claim 11 and 32, Heatley discloses the step of displaying a notification message if a feature enriched communication application is running to determine if the user wants to use the feature enriched communication application (**paragraph [006] – where notification message is sent either automatically by the mobile telephone**).

Regarding claim 12 and 33, Metso discloses the step of transferring control to the feature enriched communication application if the user wants to use the feature enriched communication application (**col. 1, lines 65- col. 2, line1**).

Conclusion

1. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amanuel Lebassi, whose telephone number is (571) 270-5303. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for

the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amanuel Lebassi
/A. L./
05/01/2009

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617